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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Federation of Action of Christians for the Abolition of Torture, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[15 January 1994]

Enforced disappearance, torture, impunity and the protection and compensation of victims

1. More than ever before, the credibility of the process of constructing an international legal system in the field of human rights is threatened. The drafting of legal texts may seem to be a secondary or even a derisory task, in view of the violent nature of some situations. Given how little importance some States attach to honouring their legal commitments, public opinion may come to doubt the value of international instruments. What is at issue is thus the whole process of gradual construction of an international legal system.

2. At this, the fiftieth session of the Commission on Human Rights, the International Federation of Action of Christians for the Abolition of Torture (IFACAT) appeals to all States that claim to attach importance to their mission to ensure effective respect for human rights.

3. IFACAT calls on member of the Commission to take meaningful decisions with regard to the effective application or drafting of texts concerning enforced disappearance, torture, impunity and the protection and compensation of victims.

4. IFACAT, which currently comprises 19 affiliated associations and 8 associations in the process of becoming affiliated, representing more than 35,000 persons in the continents of Africa, America, Asia and Europe, has chosen to single out only these four themes, believing that real progress may be achieved in these areas where a will exists on the part of Governments.

5. The World Conference on Human Rights, held in Vienna in June 1993, reminded every State of its duty to ratify the existing instruments, and of its specific responsibility to ensure effective application of the provisions adopted.

Enforced disappearance

6. The Commission has seen the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26). In the course of its activities, IFACAT has noted that such practices are becoming more and more commonplace and affect a large number of victims. Every legitimate State is responsible and accountable for the safety of its nationals and of the persons living on its territory. The transformation of the Declaration on the Protection of all Persons from Enforced Disappearance into a convention at the earliest possible date constitutes a further stage in the fight against this scourge.

7. IFACAT requests members of the Commission to take every effective initiative at the current session with a view to initiating the process of drafting and adopting an international convention on enforced disappearance.

Measures to combat torture

8. The combating of torture calls for the adoption of preventive measures. It is intolerable that, as the year 2000 approaches, nearly half of the world's Governments continue to practise torture or to permit it to be practised by the forces entrusted with the maintenance of order. The World Conference on Human Rights called for a the speeding-up of the process of drafting and adopting the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

9. IFACAT calls on members of the Commission to approve the work done by the ad hoc group, and to urge all countries to do their utmost to facilitate the furtherance of this project. Through the firmness of their stance, members of the Commission may deter certain States from undertaking or pursuing manoeuvres that slow down the process as a whole.

Impunity of perpetrators of human rights violations

10. IFACAT must again return to this issue. To combat impunity is to strike a blow against torture. Not to punish torturers is to encourage torture. Governments that directly or indirectly protect the perpetrators of inhuman treatment must be regarded as accomplices of torture.

11. Mr. Guissé and Mr. Joinet drafted a report for the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the question of the impunity of perpetrators of human rights violations (E/CN.4/Sub.2/1993/6). IFACAT calls on members of the Commission to adopt the conclusions and recommendations of that report and to encourage all countries to comply with them, by trying the perpetrators of serious violations; ensuring the victims' right to know and to obtain reparation; guarding against forgetting and revisionism through the keeping of records; and taking, within any national reconciliation movement, political and judicial measures to ensure that national reconciliation does not become the accomplice of impunity.

12. Having regard to the indivisibility of rights, IFACAT explicitly includes in this request measures to combat impunity where violations of economic and social rights are concerned.

Protection and compensation of victims of gross violations of human rights

13. Mr. Theo van Boven presented to the Sub-Commission a report on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (E/CN.4/Sub.2/1993/8). IFACAT calls on members of the Commission to propose that working groups and special rapporteurs appointed by the Commission, as well as any organ entrusted with the implementation of international decisions in the field of human rights, should incorporate the principles and guidelines suggested by the report in their concerns and proposals.